



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/021,468      | 10/29/2001  | Patrick A. Aliffi    | E0019/258247        | 2136             |

7590 03/18/2008  
John S. Pratt, Esq.  
KILPATRICK STOCKTON LLP  
Suite 2800  
1100 Peachtree Street  
Atlanta, GA 30309

|          |
|----------|
| EXAMINER |
|----------|

OBEID, MAMON A

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3621

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

03/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/021,468 | <b>Applicant(s)</b><br>ALIFFI ET AL. |  |
|                              | <b>Examiner</b><br>MAMON OBEID       | <b>Art Unit</b><br>3621              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31, 103 and 104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31, 103 and 104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***DETAILED ACTION***

***Acknowledgments***

1. The Interview Summary filed March 6, 2008 ("March 6 Interview Summary") is acknowledged.
2. A Pre-Brief Conference request was filed on December 26, 2007.
3. In light of the March 6 Interview Summary, the Pre-Appeal Decision mailed March 5, 2008 is hereby withdrawn.
4. A Final Office Action ("Final Office Action") was issued on September 24, 2007.
5. In light of the March 6 Interview Summary, the finality in the Final Office Action is hereby withdrawn. A new final office action is set forth below.
6. In light of the withdrawal of the finality as noted above, the After Final amendment filed November 1, 2007 has been entered.
7. Claims 1-31, 103 and 104 are pending and have been examined.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-11, 16-21, 23, 24, and 26-31, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (U.S. 6,405,175) in view Mizrahi et al. (U.S. 7,092,821) and further in view Matsumoto et al. (U.S. 7,181,518).

10. As per claims 1, 4-7, 11,16-21, 23, 24, 26, 27, 30, 103 and 104, Ng teaches a method for providing information exchanges comprising:

- a. receiving an input file from a user over a communication link wherein the file comprises a plurality of data elements (figures 1 and 3)
- b. storing content related to the input data file in a database (figure 2)
- c. associating the data file with a business entity identifier (figure 5, item 52)
- d. creating a user profile for the user contributing the data file said file comprising the generating statistics file of statistics regarding the number of data elements contributed by the user (figures 2 and 5)
- e. determining a score for the statistics file by comparing the statistics to a threshold (figure 5; column 9, lines 22-28; column/line 14/65-15/8)
- f. determining a reward based on the statistical file (column 9, lines 23-28)
- g. standardizing and editing the input file (figure 3; column/line 10/65-11/59; column 12, lines 23-36; column/line 12/56-13/20)
- h. checking a number of occurrences of an exception condition (e.g. a certain product among the class of all products on the web) (column 2, lines 12-18) against a tolerance limit (e.g. products that cost a certain price) (column 2, lines 19-21)
- i. generating a report based on data stored in the database (column/line 5/65-6/6)

Art Unit: 3621

- j. producing a record file and keeping track of changes and updates to the database (figures 5 and 8A-B; column/line 10/65-11/60)
  - k. producing a member report (figure 5; column 5, lines 55-65)
  - l. periodically purging information from the database (column/line 12/56-13/21)
  - m. generating a statistics file (based on input content) on a periodic basis (column 12, lines 42-50).
11. Ng does not explicitly recite determining access to the database based on the score and further limiting access to a type and number of stored data elements based on a score. However, Mizrahi teaches limiting a user's access to a database (column 52, lines 5-63) based on a score (column 52, lines 48-54) and comparing the score to a threshold (column 52, lines 5-63).
12. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Ng teachings to include the step of determining access to the database based on the score which is disclosed by Mizrahi et al to control and limit the exposure of information to a minimum number of participant so that it can be given meaningful rank, which rank is used as a basis for deciding if and how to disseminate the information (see Mizrahi et al at column 2, lines 24- 50).
13. Furthermore, the combination of Ng/Mizrahi further discloses limiting a member's access to a database based on a score (column 52, lines 5-63), the member is necessarily limited to what is stored in the database. Therefore Mizrahi at least suggests determining access to receive a type and number of stored data elements (*e.g.* Ng, column 8, lines 50-55). The combination NG/Mizrahi further discloses deleting (*i.e.* censoring) a contributed input file (Mizrahi et al, column 52, lines 52-55).

Art Unit: 3621

14. The combination Ng/Mizrahi does not expressly disclose determining access to receive a type and number of stored data elements. However, Matsumoto clearly discloses limiting access to a type and number of stored data elements based on a score (Mizrahi et al ,column 1, lines 18-26; column/line 7/60-8/37; column/line 12/58-13/2; column 13, lines 15-25).

15. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the teachings of the Ng/Mizrahi combination with the teachings of Matsumoto in order to limit the effects of or prevent fraudulent product reviews (Ng, column 8, line 50-55, column 14, lines 24-32, column 16, lines 11-20) and (Mizrahi et al, column 52, lines 5-14).

16. As per claims 6 and 29, Ng discloses awarding prizes to users (column 9, lines 23-28). Verifying user account information is old and well known. Therefore, it would have been obvious to one of ordinary skill in the art to verify the crediting of points (figure 5; column/line 7/61-9/30) in order to ensure that the points are applied correctly and a user receives the appropriate award. For example, in response to a user inquiry.

17. As per claims 8-10, Ng discloses creating a user account and a user receiving prizes such as cash or other discounts (column 5, lines 55-57; column 9, lines 25-29). Mailing a prize to a user's home address is old and well known, therefore it would have been obvious to one of ordinary skill to store a user phone number and mailing address in a user account (column 5, lines 55-57) in order to distinguish one user from another and to mail prizes such as checks and coupons to a user as an award.

18. As per claim 25, making a change to a database as a result of a legal action is old and well known.

Art Unit: 3621

19. Claims 12-15 and 22, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng, Mizrahi et al. and Matsumoto et al, as applied to claim 1 above, and in further view of Dedrick, U.S. Patent No. 5,710,884.

20. As per claims 12-15 and 22, the Ng/Mizrahi/Matsumoto combination discloses online communities for sharing information between users (Mizrahi et al, figure 1, column/line 18/56-19/15) and (Ng, abstract; figure 1). Ng further discloses user programmed electronic shopping agents (column 2, lines 12-18; column 5, lines 43-54).

21. The combination Ng/Mizrahi/Matsumoto does not explicitly disclose comparing an input data file to a tolerance limit. However, Dedrick teaches a user an electronic shopping agent that checks a number of occurrences against a tolerance limit that depends on a previously input user data file such as user business rule (column 7, lines 28-38; column/line 8/53-9/2).

22. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the Ng/Mizrahi/Matsumoto combination to include a an electronic agent disclosed by Dedrick to monitor the actions taken by an individual user in consuming electronic information and customizing subsequent units of electronic information for that individual user based on these previous actions (Dedrick, column 1- line 65- column 2, line 4).

23. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Response to Arguments***

24. Applicants' arguments filed November 1, 2007 and December 26, 2007 have been fully considered but they are not persuasive.

25. In response to Applicants' argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Please refer to (¶ 6) above.

26. In response to Applicants' arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

27. Applicants' amendment filed July 3, 2007 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



§ 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. §1.136(a).

28. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAMON OBEID whose telephone number is (571)270-1813. The examiner can normally be reached on Mon-Fri 9:30 AM- 6:00 PM.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Art Unit: 3621

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mamon Obeid

Examiner

AU: 3621

Date: March 19, 2008

/ANDREW J. FISCHER/

Supervisory Patent Examiner, Art Unit 3621